

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

JAYLIN TYSON,

Plaintiff,

VS.

JOHN MEHR, ET AL.,

Defendants.

No. 1:21-cv-01132-SHM-tmp

**ORDER DISMISSING THE CASE; CERTIFYING AN APPEAL WOULD NOT BE
TAKEN IN GOOD FAITH; NOTIFYING TYSON OF THE APPELLATE FILING FEE;
AND RECOMMENDING THIS DISMISSAL BE TREATED
AS A STRIKE UNDER 28 U.S.C. § 1915(g)**

On September 14, 2021, Plaintiff Jaylin Tyson filed (1) a *pro se* complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1) and (2) a motion for leave to proceed *in forma pauperis* (ECF No. 3). When Tyson filed the complaint, he was confined at the Madison County Jail (the “MCJ”), in Jackson, Tennessee. (ECF No. 1 at PageID 2.) On September 16, 2021, the Court granted leave to proceed *in forma pauperis* and assessed the civil filing fee pursuant to the Prison Litigation Reform Act, 28 U.S.C. §§ 1915, *et seq.* (the “PLRA”). (ECF No. 4 (the “IFP Order”).) On October 13, 2023, the Court dismissed the complaint without prejudice, granted leave to amend the complaint, and directed Tyson to provide his current address. (ECF No. 5 (the “Screening Order”).) Tyson’s deadline to amend the complaint expired on November 3, 2023. (*See id.* at PageID 20.)

Tyson has not filed an amended complaint, sought an extension of time to amend, or provided the Court with a current address. For these reasons, the Court **DISMISSES** this case with

prejudice in its entirety for the reasons discussed in the Screening Order. Judgment will be entered in accordance with the Screening Order.

For § 1915(g) analysis of Tyson's future filings, if any, the Court recommends that the dismissal of this case be treated as a strike pursuant to § 1915(g). *See Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021); *see also* ECF No. 5 at PageID 20-21 (recommending that a dismissal of this case for Tyson's failure to timely amend be treated as a strike pursuant to § 1915(g).)

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Tyson would not be taken in good faith. If Tyson nevertheless chooses to file a notice of appeal, Tyson must either: (1) pay the entire \$605 appellate filing fee or, if Tyson is confined at that time; (2) submit a new *in forma pauperis* affidavit and a current, certified copy of Tyson's inmate trust account statement for the last six months, in compliance with 28 U.S.C. § 1915(a)-(b).

IT IS SO ORDERED, this 13th day of December, 2023.

/s/ Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.

UNITED STATES DISTRICT JUDGE